

ORIGINAL

Michael-Trent: Barnes, ex-rel.  
RES: MICHAEL TRENT BARNES®  
U.C.C. NO. 2004-212509  
Care of Postal Service Address  
U.S.P.C. #95007-022  
P.O. Box 6000  
Sheridan, Oregon [97378]

UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUL 16 2007  
at 10 o'clock and 08 min. M  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

MICHAEL L. BARNES, in error  
MICHAEL TRENT BARNES, in error  
Michael-Trent: Barnes, Defendant  
in fact, Common Law [C]itizen

U.S.D.C. No. 03-00502-SOM

Date: \_\_\_\_\_  
Time: \_\_\_\_\_

Challenge to territorial  
jurisdiction claimed by  
this Court, Brought by the  
in proper persona, Defendant  
in fact, Common Law [C]itizen.

INDEPENDENT MOTION CHALLENGING  
THE CLAIM OF TERRITORIAL JURISDICTION  
"A CONSTITUTIONAL REQUIREMENT"

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE BY THESE PRESENTS: That a Challenge to the claimed territorial jurisdiction, a judicial hearing has been commanded/requested to ascertain, and place upon the court record, the information which establishes this court's lawful territorial Authority/Jurisdiction upon which this court proceeded upon the alleged criminal matter. This Challenge shall be held at the first available time, and conducted by the first available Article III Judge of Law, sitting in a judicial capacity in the Court located at Honolulu, Hawaii (see file stamp date by Court Clerk). Said hearing is a Constitutionally required, for lawful process of law, and shall be held in a timely manner in the interest of justice.

COMMAND FOR AN ARTICLE III JUDICIAL OFFICER

Michael-Trent, the Defendant in fact, an American National, a Common Law California [C]itizen from the family of Barnes, has independently Challenged the territorial jurisdiction claimed by this court in this alleged criminal matter. Herein Commands that only an Article III Judicial Officer (Judge of Law) operating as such hear this Motion.

An Article III Judge is defined as follows:

- a.] Judges of both the Supreme Court and Inferior Courts who receive for their services, which is not diminished durring their continuance in office.
- b.] Judges of both the Supreme Court and Inferior Courts, holding office durring good behavior.

A FUNDAMENTAL FAILURE OF DUE PROCESS RIGHTS OCCURED:

Due process has failed in this matter, as this court's jurisdition has been challenged, priviously and ignored by the court. This fundamental flaw of due process, the "Onus Probendi"/"Burden of Proof", rested squarely upon the shoulders of the prosecution, agents of the United States Attorney's office of the Department of Justice.

It is Constitutional mandatory requirement that a Court have lawfull "Authority/Jurisdiction", to bring a matter/case before the court, or all Acts, Orders, and Judgements rendered are Null and Void ab initio! The record is void of any proof of the alleged crime taking place within the United States territorial jurisdiction, the onus probendi, burden of proof has never been placed upon the record. It is in fact the defendant in fact, posistion that the prosecution will not be able to prove the needed lawful territorial jurisdiction to of brought this matter/case in the first place. That agents of the Department of Justice did willfully operate outside of the lawful Constitutional boundries established.

The prosecution used "Color of Law, authority, office and process" in its intentional mis-application of statutes in this matter/case.

It now behoves the prosecution and this court to show upon the record the alleged ownership of the property in question, the surrendered Authority/Jurisdiction from the State, and acceptance of the jurisdiction by the United States as is Constitutionally required, under your Title 40 U.S.C. Section 255.

This Independent Motion is a Direct Challenge to the claimed territorial jurisdiction of this court to of heard this matter/case. This commanded/requested territorial jurisdiction hearing is called to resolve/certain false assumption or presumptions and or conclusions of law, which are at controversy and in dispute. The court has errored, by not proving and placing its territorial jurisdiction upon the record, which is a Constitutional requirement, as "Where a federal court is without jurisdiction of the offense, judgement of conviction of the court and or jury is void ab initio, on its face". Bauman v. U.S., 156 F.2d. 534 (5th Cir. 1946). The limits of jurisdiction apply both to federal legislative acts and criminal prosecutions. Authority/Jurisdiction must be acquired by the land, being the property owned by the federal government. No claim has been made that the alleged crime took place on any federal lands subject to the legislative and judicial jurisdiction of the United States (District of Columbia).

The subject matter jurisdiction is not in question here. But rather, the claimed territorial jurisdiction, and the nature of the United States District Court for the District of Hawaii and its claim to having criminal jurisdiction in this alleged matter/case. Which involved a compelled performance by the defendant in fact, Michael-Trent an American National upon the land of Hawaii.

It is a well known fact of law, that jurisdiction may be challenged

at any time, as an issue of law, when challenged it must be placed upon the record. Absent jurisdictional authority all Acts, Orders and or Judgements issued or undertaken are null and void ab initio.

Because the Defendant in fact was compelled, by threats, force and fraud and only entered the court under duress. Gives Notice that this and any appearance is SPECIAL, and not general in nature. The Court is given Notice of injury and damage caused by the prosecutions use of "Color of law, authority, office, process" and its intentional mis-application of statute.

The "ARGUMENT", which follows, sets forth the nature of the controversy. This Courts Article III judge is bound by Oath and Bond of Office to sit upon the law side of this controversy to declare the truth of the jurisdiction in a neutral capacity and to make a fair and impartial determination. Upon the claimed ownership over the land in question and under who's jurisdiction it falls.

This argument and documents contained herein, is intended to be the basis for further action/claims on appeal or Tort action should this Court's Article III judge fail to afford a complete hearing on the Law of this matter upon the Notice Challenging the territorial jurisdiction in this matter/case. Failure of this Court to establish its claim of territorial jurisdiction upon the record, in a timely manner shall cause the defendant in fact to file for a Writ of Prohibition in a higher court.

#### ARGUMENT A

[A] Territorial Jurisdiction of the United States  
is established under Article I, Section 8, Clause 17

The "Onus Probendi" is upon the shoulders of the prosecution agents of the United States Department of Justice, they will utterly fail to meet the requirements "Burden of Proof"/"Onus Probendi" as no

documentation exists that would grant ownership of the alleged land where the alleged criminal act is claimed to of taken place. No prove can be presented that the United States owned the land, nor that the State ceaded its jurisdiction to it, nor that the jurisdiction was accepted by the federal government as required under your Title 40 § 255.

An employee of the United States falsely submitted allegations using fictious name(s), in what amounts to a "Bill of Pains and Penalties" alleging that I Michael-Trent, the defendant in fact of somehow failed to preform according to terms of some unknown agreement or contract, for a specific performance on my part. The individual(s) in question did mis-apply statute, has accused me of failing to preform specifically to some statute of the District of Columbia's Food and Drug Administration which was being presented as a general law. Statutes (codes) are not Laws in general, they are administrative regulations that are civil in nature, the claims of a "criminal case" was and is fraud and misleading. This action was outside of the lawful jurisdiction of the District of Columbia known as the United States, and was nothing short of use of "Color of Law" in an effort to deprive the defendant in fact of the Constitutional guaranteed rights, due process was systematically denied in the effort of intentionally mis-application of statute.

It is the defendant in fact's posistion, that the alleged violation of the Food and Drug Administration's statute was upon land not subject to the United States territorial jurisdiction. The land in question was not subject to the legislative or administrative authority/jurisdiction of the United States (District of Columbia) (a municipal corporation) that the land in question was/is outside of the Constitutional boundries established; that the court was never sitting in a criminal matter, as there was no injured party, nor a corpus delicti; that the agents of the prosecution did use fraud and mis-representation of law (Color) and

facts to bring the alleged "Indictment(s)" before the alleged "Grand Jury" and "Court"; that this intentional mis-application of statute did cause injury and damage to myself, family and community. (See the attached Memorandum of Law and Table of Authorities, for related case law).

#### SUMMARY

The United States District Court for the District of Hawaii lacked Authority/Jurisdiction whatsoever to prosecute "criminally" the defendant in fact, an American National, Common Law California [C]itizen, who was upon the land of one of the 50 States of the union and not upon United States property. Until and or unless the federal government through its agents, the U.S. prosecutor's office of the Department of Justice can prove (a) exclusive, (b) concurrent, (c) partial, or (d) proprietorial interest in the land claimed to claim jurisdiction, no federally cognizance of a crime occurred. (See additionally U.C.C. file No. 2004-212509).

Further the United States District Courts have no criminal jurisdiction whatsoever vested with it, (See Title 18 § 3231) as being distinct from the "district courts" of the United States, 3 currently, there is absolutely no criminal jurisdiction vested in the United States District Court for the District of Hawaii, but only the authority vested under Title 28 § 132.

#### REMEDY DEMANDED

Therefore, the defendant in fact, herein demands that the Article III United States District Court for the District of Hawaii establish its alleged claim to criminal jurisdiction over the land where this alleged criminal activity took place, by producing certified documents consisting of the following:

(a) Documentation showing "United States", exclusive, concurrent, partial, or proprietorial interest in each and ever geographical location mentioned in the alleged "Indictment", wherein the alleged criminal activity took place; and

- (b) Documentation where Hawaii State's Legislature granted, exclusive, concurrent, partial, or proprietorial title and jurisdiction to the United States over the same geographical location as stated above in (a); and
- (c) Documentation pursuant to your Title 40 U.S.C. §255; wherein the United States accepted the jurisdiction to the same geographical area, either exclusive, concurrent, partial, or proprietorial interest over that land of Hawaii one of the 50 union states which the alleged criminal activity occurred, (a) above; or
- (d) Alternatively, absent the requisite jurisdictional documentation, I, Michael-Trent, the defendant in fact, herein demands that this Article III judge hearing this "Independant Motion Challenging the Claimed Territorial Jurisdiction" dismiss the instant case No. 03-00502-SOM with prejudice in the interest of justice, Nunc Pro Tunc, an initio.

Therefore, the defendant in fact asks that this Court dismiss all charges, ab initio, against the defendant in fact, return all personal property that was seized or attached in this matter as the Plaintiff's counsel has failed the burden of proof "Onus Probendi" to establish any lawful jurisdiction upon which this court might of relied upon to bring this matter.

"Without Prejudice"

Respectfully submitted by: Michael-Trent Barner, in proper persona,  
Dated this 8th day of July, 2007 C.E. As Sui Juris, in Pro Se, with  
the explicit reservation of all my unalienable birth Rigths of an American  
National, [C]itizen of the California Republic.